

PROCEEDINGS OF THE STURGIS CITY COUNCIL

The Common Council of the City of Sturgis met in regular session starting at 6:30 p.m. on Monday, May 5, 2014 at the Erskine Building. Present: Mayor Mark Carstensen, Alderpersons Jason Anderson, Mike Bachand, Branden Bestgen, David Hersrud, Marcia Johnston (during meeting by phone), Tim Potts, Kelly Vasknetz, and Ronald Waterland. Also present: City Manager Daniel Ainslie and City Attorney Greg Barnier. Absent: None.

Mayor Mark Carstensen led everyone in the Pledge of Allegiance.

Motion by Potts, second by Vasknetz and carried with all members present voting yes to approve the agenda.

Announcements:

- The Sturgis Library Green Thumb Gala is being held this week.
- Congratulations to Deb Holland and the Meade County Times for the awards they received.
- Councilor Anderson thanked the Sturgis Optimist Club for donating their time at the Jeff Smit track meet this weekend.
- Councilor Bachand sends our sympathy to the Iverson Family for their loss.
- Mayor Carstensen proclaimed May 18-24 as Emergency Medical Services week.
- A check for \$100,000 was presented to the Sturgis Kiwanis Food Pantry from the John T. Vucurevich Foundation for their new building.

City Manager Ainslie reported:

- Sales tax update for the end of April-General Sales Tax and Capital Improvement Tax was up 7% for the month and the Gross Receipts Tax (triple B) was up 21.5% for the month. Year to date General Sales Tax and Capital Improvement Tax were down 7.9% and the Gross Receipts Tax (triple B) was up 20.8%.
- Congratulations to Dave Smith for being awarded Code Enforcement Officer of the year for the State of South Dakota.

Motion by Waterland, second by Bachand and carried with all members present voting yes to approve the following items on the consent calendar:

- a. Consider approval of the minutes from the April 21, 2014 study session and regular council meeting.
- b. Consider approval to set a public hearing for May 19, 2014 to approve a Special Events License for the Knuckle Saloon on June 13-14, 2014 at the Sturgis Fairgrounds for Wild West Days.
- c. Consider approval to set a public hearing for May 19, 2014 for Steve Blake, 1410 Blacktail Drive, requesting an 8 foot zoning variance to build a roof extension onto his exiting garage.
- d. Consider approval to set a public hearing for May 19, 2014 for Rachel Price-Samson Inc. 1151 Industry Road requesting a Use on Review to host temporary vendors at their location during the Sturgis Motorcycle Rally.
- e. Consider approval to set a public hearing for May 19, 2014 for Glover Investments and Harley James Roth requesting a rezone from Highway Service to General Industrial for their property located along Otter Road between Vanocker Canyon Road and Raccoon Drive.

Motion by Hersrud, second by Bachand and carried with all members present voting yes to approve the following claims with the addition of Fourfront Design for \$5188.60 and the exception of: **General** - Hersrud, \$16.14, repair:

Wages – Ambulance \$25,674.53; Attorney \$2935.10; Buildings \$814.40; Cemetery \$1977.09; City Manager \$4302.39; Community Center \$9331.41; Finance Office \$9162.57; Fire Department \$1668.67; Human Resource \$2208.94; Library \$7736.86; Liquor \$4731.44; Mayor and Council \$3391.63; Parks \$11,027.47; Planning & Permitting \$3646.86; Police \$36,701.39; Rally \$3751.50; Recreation \$2548.45; Sanitary Service \$12,863.26; Streets \$9564.28; Wastewater \$8044.74; Water \$13,831.66; Federal Withholding \$16,643.87; FICA \$12,739.27.

General – A&B Business, \$417.85, repair; Amazon, \$658.51, supp; Amcon, \$181.32, merch for resale; American Legal Services, \$50.68, prof fee; Argus Leader, \$307.85, supp; Baker & Taylor, \$420.83, supp; Bangs, McCullen, Butler, Foye & Simmons, \$2840.00, prof fee; Baseline Surveying, \$50.00, repair; BH Chemical, \$265.82, supp; BH Power, \$26,970.88, util; Justin Bohn, \$200.00, supp; Border States Electric, \$1532.92, repair; Brosz Engineering, \$11,780.00, prof fee; Jerry Burnham, \$2500.00, prof fee; Butte Electric, \$508.20, util; Century Business Products, \$122.18, supp; Chain Saw Center, \$14.00, repair; City of Sturgis Water Dept, \$1624.83, util; Council of State Govn't, \$58.50, supp; Dale's Tire, \$463.76, supp; Data2 Inc, \$110.88, supp; Epic Outdoor Advertising, \$1100.00, rental-rally; Fastenal, \$46.08, repair; Fedex, \$59.77, supp; Foothills Seed, \$205.00, supp; G&G Enterprises, \$187.50, merch for resale; General Traffic Controls, \$1863.90, repair; Great Western Tire, \$202.95, repair; HW Wilson Co Lockbox, \$295.70, supp; Heartland Paper, \$51.14, supp; Hillyard, \$374.90, supp; Inland Truck Parts, \$117.42, repair; KT Connections, \$700.00, Knecht Home Center, \$316.36, supp; Legends Sales, \$4500.00, prof fee; Lynn's Dakotamart, \$90.01, supp; Matthew Bender, \$39.24, supp; Menards, \$185.86, supp; Midwest Turf, \$278.66, repair; National Arbor Day Foundation, \$25.00, other; Neve's Uniforms, \$290.84, supp; Newkirk's Ace Hardware, \$53.16, supp; Northern Hills Vet Clinic, \$137.50, prof fee; Optimist Club, \$60.00, supp; Owens Interstate Sales, \$68.05, supp; Petty Cash, \$120.00, supp; Pitney Bowes, \$239.31, rental-rally; Polar Engraving, \$1020.00, merch for resale; Pryntcomm, \$450.97, publ-rally; Purchase Power, \$2520.99, supp; Rapid City Journal, \$210.60, supp; Richter's Tire, \$79.99, supp; Robert Sharp & Assoc, \$1280.40, publ-rally; Rushmore Office, \$464.37, supp; S&C Cleaning, \$3100.00, repair; Schwans, \$38.85, merch for resale; SD Dept of Public Safety, \$150.00, travel; SD Law Review, \$33.02, supp; SD Library Network, \$4032.25, repair; Sheehan Mack Sales, \$128.09, repair; Speedy Lube, \$36.33, repair; Sturgis Motorcycle Museum, \$600.00, supp; Summit Signs, \$136.00, supp; Taser International, \$6097.60, equip; Twilight First Aid, \$66.40, supp; Urbaniak's Metal, \$420.00, supp; Geody Vandewater, \$25.00, grp insur; Verizon, \$3332.71, util; Wow! Business, \$2444.53, util.

Special Sales Tax – Chamber of Commerce, \$8750.00, chamber; Sturgis Economic Dev Corp, \$7541.67, ind dev.

Capital Improvement – Fourfront Design, \$5188.60, improve; KT Connections, \$5917.98, bldg; Kadrmas, Lee & Jackson, \$14,656.54, bldg; Push-Pedal-Pull, \$945.00, bldg; Sacrison Paving, \$15,831.20, improve; Sturgis Economic Dev Corp, \$1500.00, improve.

Equipment Replacement Fund – Bentz Equip, \$26,570.00, equip.

Revolving Fund Loan – Baseline Surveying, \$600.00, other; BH Power, \$60,558.64, other; MDU, \$5964.30, other; Rapid Construction, \$50,256.41, other.

Library – Systematic Art, \$1329.49, furnishing.

Liquor – 5-Star Audio-Video System, \$210.00, repair; Amcon, \$1028.79, cig for resale; BH Power, \$1718.33, util; Cask & Cork, \$720.50, off sale liquor; Century Business Products, \$1.08, supp; City of Sturgis Water Dept, \$273.66, util; Eagle Sales, \$19,428.84, off sale beer; Fisher Beverage, \$14,529.13, off sale beer; Freeman Electric, \$800.00, repair; Johnson Western Wholesale, \$53,043.55, off sale liquor; North Country Business Product, \$878.60, prof fee; Prairie Berry, \$882.00, off sale liquor; Republic Beverage Co, \$22,077.76, off sale liquor; Schade Vineyard, \$240.00, off sale liquor; Verizon, \$96.67, util; Wow! Business, \$148.96, util.

Water – BH Power, \$8322.02, util; Butte Electric, \$183.60, util; Century Business, \$31.16, supp; City of Sturgis Water Dept, \$110.50, util; Verizon, \$476.84, util; Wells Fargo Corp Trust Service, \$19,024.64, prin,int; Wow! Business, \$93.83, util.

Wastewater – BH Power, \$2897.23, util; City of Sturgis Water Dept, \$21.52, util; Verizon, \$268.87, util; Wells Fargo Corp Trust Service, \$153,926.61, prin, int; Wells Plumbing, \$85.00, repair.

Sanitary Service – BH Power, \$342.79, util; Century Business Leasing, \$195.76, prof fee; Century Link, \$58.32, util; Diesel Machinery, \$77.60, repair; Eddies Truck Sales, \$762.24, repair; Inland Truck Parts, \$275.26, repair; Northern Truck Equip, \$86.70, repair; Rapid City Journal, \$74.70, publ; Rapid Delivery, \$12.60, repair; Verizon, \$166.98, util; West River International, \$510.67, repair.

Ambulance – BH Power, \$694.97, util; Century Business Products, \$46.74, supp; City of Sturgis Water Dept, \$51.54, util; Emergency Medical Products, \$4985.23, supp; Lynn's Dakotamart, \$27.34, supp; Purchase Power, \$33.00, supp; Regional Home Medical Equip, \$471.15, supp; Urbaniak's Metal, \$420.00, supp; Verizon, \$159.82, util; Wow! Business, \$176.52.

Motion by Waterland, second by Vasknetz and carried with Carstensen, Anderson, Bachand, Bestgen, Potts, Waterland and Vasknetz voting yes, Hersrud abstaining, to approve the following claim: **General** - Hersrud, \$16.14, repair.

Marcia Johnston joined the meeting at this time by phone.

Motion by Potts, second by Hersrud and carried with all members present voting yes to approve a Retail on-off sale Wine License for Days End Campground.

Mayor Carstensen declared a sine die, final adjournment of the 2013-2014 Council Session at 6:40 pm.

Mayor Carstensen came out of sine die with a call to order of the 2014-2015 Council Session.

Moved by Bachand to nominate Branden Bestgen for President of Council, second by Waterland. Moved by Hersrud to nominate Tim Potts for President of the Council, second by Vasknetz. Motion by Bestgen, second by Hersrud that nominations cease and this carried with all members voting yes. After counting ballots, Bestgen was declared President of the Council.

Motion by Hersrud to nominate Marcia Johnston for Vice President of Council, second by Potts. Motion by Bachand to nominate Ron Waterland for Vice President of Council, second by Bestgen. Motion by Hersrud, second by Bachand that nominations cease and this carried with all members voting yes. After counting the ballots, Waterland was declared Vice President of the Council.

Motion by Hersrud, second by Waterland and carried with all members present voting yes to approve the following bank depositories: First Interstate Bank, Wells Fargo Bank, First National Bank, Pioneer Bank and SD Public Funds Investment Trust.

Motion by Bachand, second by Anderson and carried with all members present voting yes to approve the following signatories of the bank accounts: Daniel Ainslie, Mark Carstensen, Branden Bestgen, Fay Bueno, Jeanie Shyne and Ann Bertolotto.

Motion by Hersrud, second by Bestgen and carried with all members present voting yes to approve the City's legal newspaper as the Meade County Times.

Motion by Waterland, second by Potts and carried with all members present voting yes to approve the following payroll changes: Liquor Store – Driver – Mike Bradley – Rally \$8.25; Sales Clerk – Tim Cahalane, Danielle Craig – Seasonal \$8.00, Rally \$10.00; Tammy Bachand, Emily Bauer, Kristine Brandt, Levi Brownell, Tommy Cook, Georgina Phillips – Seasonal \$8.25, Rally \$10.25; Tim McCann – Seasonal \$8.50, Rally \$10.50; Mike Delancey, Brian Littleton – Seasonal \$8.75, Rally \$10.75; Stocker/Parking Attendant – Cody Webber – Rally \$8.00; David Langer, Melvin Marvin, Shyler Sutherland – Rally \$8.25; Seth Bachand, Seth McCann – Rally \$8.50. Cemetery Dept – Seasonal Employee – Lane Cermak - \$7.75. Parks Dept – Seasonal Employee – Dalton Mullen - \$7.75; Katie Grubl - \$8.00; Elizabeth Bertolotto - \$8.25; Glenn Reimer - \$8.50. Rally & Events Dept – Asst Director – Autumn Lyons - \$2.00 supervisory stipend 5/19 to 9/21; Summer Seasonal – Kelsey Kaitfors - \$8.75, Rally \$10.25; Julie Nelson - \$10.50; Brandon Jones – Rally \$10.00. Recreation – Boxing Fitness Instructor – Victor Rodriguez - \$7.25. Ambulance Dept – EMT-I – Micky Montanio – from part to full-time – no wage change.

Motion by Bachand, second by Hersrud and carried with Carstensen, Anderson, Bestgen, Hersrud, Johnston, Potts, Waterland and Vasknetz voting yes, Bachand voting no, to approve second reading of Ordinance 2014-07 – Title 7 – City Government.

ORDINANCE 2014-07

AN ORDINANCE AMENDING TITLE 7– CITY GOVERNMENT

BE IT ORDAINED by the Common Council of the City of Sturgis, Meade County, South Dakota that Title 7 City Government –Chapter 7:03 – Mayor, City Council and City Manager, Section 7:03:04 Election of President and Vice President; 7:03:06 Appointment of Council Members to Boards and Committees; 7.03.12 – Proprietary Information. Chapter 7:07 – Police Department: Section 7.07.03: Council Adopts Uniform is amended to read as follows:

TITLE 7 CITY GOVERNMENT

Chapters:

- 7.01: General Provisions
- 7.02: Wards
- 7.03: Mayor, City Council and City Manager
- 7.04: Appointed Officials
- 7.05: Salaries and Wages
- 7.06: Budget
- 7.07: Police Department
- 7.08: Planning Commission Established

(Title 7.03 to 7.08 replaced in its entirety effective 12-05-2012, Ordinance 2012-16)

Chapter 7.03 MAYOR, CITY COUNCIL AND CITY MANAGER

SECTIONS:

- 7.03.01: Form of Government
- 7.03.02: Regular Meetings

- 7.03.03: Special Meetings
- 7.03.04: Election of President and Vice President
- 7.03.05: Council Procedure
- 7.03.06: Appointment of Council Members to Boards and Committees
- 7.03.07: Office of City Manager
- 7.03.08: Powers and Duties of the City Manager
- 7.03.09: Powers and Duties of the Mayor
- 7.03.10: Appointment of Designee By City Manager
- 7.03.11: Appointment of Designee By City Council
- 7.03.12: Proprietary Information

7.03.04: ELECTION OF PRESIDENT AND VICE PRESIDENT

At the first meeting of the Council in May of each year, and after the qualification of the newly elected Council Members, the Council shall elect from among its own members, a President and Vice President of the Council, whose duties are prescribed by the laws of the state of South Dakota. Nominations for the office of Council President shall be made by members of the Council and when nominations close then ballots shall be cast for that office. If more than two candidates are nominated then the vote shall be by private ballot, to be reviewed and counted by the Finance Officer and an assistant. After the votes are tabulated, the Finance Officer shall report the ballot tabulation and state the name of the person elected. Following that election, nominations for the office of Council Vice President shall be made by members of the Council and when nominations close then ballots shall be cast for that office in the same manner as for Council President.

7.03.05: COUNCIL PROCEDURE

Robert's Rules of Order: The 11th edition shall be the standard for procedure by which all regular meetings of the Council shall be governed. Any suspension of the procedure of a Council meeting, except as provided by City Ordinance, shall be as provided for in those Rules.

7.03.06: APPOINTMENT OF COUNCIL MEMBERS TO BOARDS AND COMMITTEES

Following the election of officers at the first meeting of the Council each May, each Council member shall have an opportunity to make their request, identifying the order of importance, for the member to be appointed to any of the "outside" Boards or Commissions listed in this subsection. Following that meeting, the Mayor and City Manager shall confer and review all the requests. At the second Council meeting in May, the City Manager shall announce the Council member appointments for a one year term to each Board or Commission listed below:

1. Planning and Zoning Commission
2. Library Board
3. Forestry Board
4. Sturgis Chamber of Commerce Board
5. Parks Board
6. Transportation Board
7. Sturgis Motorcycle Museum Board
8. Sturgis Motorcycle Rally, Inc. (SMRi)
9. Sturgis Rally Charities
10. Meade County Senior Citizens Center Board
11. Sturgis Economic Development Corporation

For other ad hoc committees as may be appointed from time to time, each Council member shall have an opportunity to make their recommendation for the Council members to be appointed to

that committee. Thereafter, the Mayor and City Manager shall confer and review all recommendations and the City Manager shall notify those appointed to the committee.

7.03.12: PROPRIETARY INFORMATION

The terms of any contract for the lease of City property or space of any kind, the information contained in the Vendor data base, and the terms of any contract for emergency, health or professional services provided by the City through its employees are hereby determined to be confidential trade secret and proprietary information, as defined by SDCL Chapter 1-27-1.5 and 1-27-1.6 respectively. To protect the public interest in such municipal information, it shall not be disclosed or released without authorization by Resolution of the City Council. Furthermore, the terms of price, rates and/or fees charged and the allocation of all expenses contained in any marketing or Sponsorship contract of any kind entered into by the City of Sturgis are hereby determined to be confidential trade secret and proprietary information, as defined by SDCL Chapter 1-27-1.5 and 1-27-1.6 respectively, and it shall not be disclosed or released without authorization by Resolution of the City Council. This classification of confidential trade secret and proprietary information shall cease thirty-six (36) months after expiration of the relationship between the City and the other party(s) to the contract containing the information.

Chapter 7.07 POLICE DEPARTMENT

SECTIONS:

7.07.01: Members

7.07.02: Appointment

7.07.03: ~~Council Adopts Uniform~~

7.07.03: Require Aid

Dated this 5TH day of May, 2014.

First reading: 03-17-2014

Second reading: 05-05-2014

Adopted: 05-05-2014

Published: 05-14-2014

Effective: 06-04-2014

Motion by Hersrud, second by Bestgen and carried with Carstensen, Anderson, Bachand, Bestgen, Hersrud, Johnston, Waterland and Vasknetz voting yes, Potts abstaining, to approve the Professional Service Contract with SEDC.

Johnston no longer present by phone.

KLJ Engineering was recently commissioned to conduct a Comprehensive Land Use Study for the City of Sturgis. As part of this study, JD Nash presented to the Council potential uses of the specific properties identified in the study. The four properties identified were five acres south of town, the Fairgrounds land, land out by the High School and the Marcotte property.

The Council reviewed the Ordinance priority list and asked that the definition of Adult Entertainer be amended in Title 12, have staff look at Title 3 – Special Event License (SEL) and Title 30 – Beautification and Signs before the Rally. The Council will also look at Title 32 – Aggressive Dog Ordinance.

Any other business:

Discussion was held on having another round of picking up branches.

Motion by Waterland, second by Bachand and carried with all members present voting yes to go into executive session for personnel and contracts at 9:49 pm.

Motion by Waterland, second by Anderson and carried with all members present voting yes to return to regular session at 10:53 pm.

Motion by Bachand, second by Bestgen to authorize the City Manager to sign the agreement with Digital Farm for mobile application for Sturgis Motorcycle Rally.

Motion by Bestgen, seconded by Waterland and carried with all members present voting yes to adjourn the meeting at 10:55 pm.

ATTEST: _____
Fay Bueno, Finance Officer

APPROVED _____
Mark Carstensen, Mayor

Published once at the total approximate cost of \$